



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

13 अग्रहायण 1946 (श10)

(सं० पटना 1146) पटना, बुधवार, 4 दिसम्बर 2024

खान एवं भूतत्व विभाग

अधिसूचना

3 दिसम्बर 2024

सं० प्र०-II/अवैध खनन-30/22-5142—खान एवं भूतत्व विभाग, बिहार, पटना की अधिसूचना संख्या-4374, दिनांक-16.10.2024 का निम्नलिखित अंग्रेजी अनुवाद, बिहार राज्यपाल के प्राधिकार से एतद् द्वारा प्रकाशित किया जाता है कि जो भारतीय संविधान के अनुच्छेद 348 के खण्ड (3) के अधीन अंग्रेजी भाषा में उसका प्राधिकृत पाठ समझा जायेगा।

Notification

The 3rd December 2024

No.-Pra-II/Avaidh Khanan-30/22-5142/M.—In exercise of the powers conferred under section 15 read with section 23 C of the Mines and Minerals (Development and Regulation) Act, 1957, the Governor of Bihar hereby pleased to make the following Rules regarding the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019:-

- Short title, extent and commencement:-** (1) These rules shall be called the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) (Amendment) Rules, 2024.
(2) It shall extend to the whole of the State of Bihar.
(3) It shall come into force from the date of its publication in the Official Gazette.
- Rule- 17 (4) shall be substituted as follows:-**
(4) **Approval and submission of Mining Plan:-**
(i) The mining plan may be prepared by the State Government through an agency authorised by the State Government or an officer authorised by the Department or the mineral concession holder, in which assistance

- may be taken by the above three in preparation of the mining plan from a recognised qualified person/institution.
- (ii) In case the settlee prepares the mining plan, the settlee shall submit the mining plan to the Department for approval within maximum 15 (fifteen) days of issuance of the In Principal Sanction Order (LOI).
 - (iii) In case of non submission of the mining plan within the stipulated time, the settlee shall be imposed a penalty of Rs. 1,00,000/- for the first one week of delay, Rs. 2,00,000/- for the next one week and 0.5% of the highest bid for the next two weeks of delay. In case the imposed penalty is not deposited, the amount of the penalty shall be deducted from the security deposit. Even after this, if the settlee does not submit the mining plan/application for environmental clearance, the Collector shall cancel the LOI and forfeit the security amount after serving a show cause notice to the settlee.
 - (iv) The committee constituted by the Department/authorized educational institution will approve/reject the submitted mining plan within one week on receipt of the same. The reasons for rejection will be clearly mentioned, so that the concerned can submit the mining plan again within the next 15 days.
 - (v) If the Government finds it appropriate, before the e-auction of the mining lease, the State Government may authorize any agency or any officer not below the rank of Assistant Director to prepare the mining plan in their favour as per the prevailing environmental provisions. The said approved mining plan for the concerned mining lease may be transferred in favour of the highest bidder selected in the e-auction. The expenses and fees incurred in preparation of the mining plan will be recovered from the concerned mineral concession holder/ settlee.

3. Rule-18 (2) shall be substituted by the following:-

18 (2)Environmental Clearance-(i) All mineral Concession holders or agency authorized by the Government or an Officer authorized by the Department shall obtain prior environmental clearance within the prescribed time limit and comply with the rules as per the prevailing Environmental Impact Assessment (EIA) Notification, orders of Pollution Control Board and latest instructions issued by the Competent Authority of the Ministry of Environment, Forest and Climate Change, Government of India and as per the provisions of the Environment Protection Act.

Provided that before e-auction of mining lease, the State Government may authorize any agency or any officer not below the rank of Assistant Director to obtain environmental clearance in its favour as per prevailing environmental rules. The said environmental clearance for the concerned mining lease shall be transferred in favour of the highest bidder selected in the e-auction. The expenditure incurred in obtaining environmental clearance (including fees) shall be recovered from the concerned mineral concession holder/settlee.

- (ii) In case the settlee obtains environmental clearance, the proposal/application for Terms of Reference (TOR) approval shall be submitted by him on the Parivesh Portal of State Environment Impact Assessment Authority (SEIAA) within maximum 15 (fifteen) working days of the mining plan approval.
- (iii) After receiving the in-principle sanction order (LOI), the settlee shall submit the draft Environment Impact Assessment (EIA) report and the prescribed fee for public hearing to the Bihar State Pollution Control

Board within maximum 07 (seven) working days from the end of the nearest monitoring period (Base Line Data Collection Period) for the concerned mining lease.

- (iv) The settlee shall submit the Final EIA to SEIAA, Bihar within maximum 07 (seven) working days from the date of issuance of minutes public hearing for the concerned mining lease.
- (v) In order to obtain environmental clearance, required comment shall be made available to the SEIAA within maximum 15 (Fifteen) working days by the Department/ concerned Collector.
- (vi) The settlee shall submit the application for CTE/CTO to the Bihar State Pollution Control Board within maximum 07 (seven) working days from the date of issuance of environmental clearance.
- (vii) In case the application for environmental clearance is not submitted to the competent authority within the stipulated time after approval of mining plan, a penalty of Rs. 1,00,000/- for the first one week, Rs. 2,00,000/- for the next one week and 0.5% of the highest bid amount for the next two weeks will be imposed on the settlee. In case the imposed penalty is not deposited, the amount of penalty will be deducted from the security deposit. Even after this, if the mining plan/application for environmental clearance is not submitted, the Collector shall cancel the LOI after issuing a show cause notice to the settlee and the security amount will be confiscated.

4. **Rule- 22 (2) (c) shall be substituted as follows:-**

22 (2) (c) -An amount equal to 25 (twenty five) percent of the auction amount as security which will be refunded after the expiry of the settlement period, if the mining lease holder is not otherwise defaulter in payment. In case of unsuccessful bidders the Earnest Money Deposit will be refunded by the Collector within maximum Ten days.

5. **Rule 28 Execution of lease—A new Proviso shall be added in sub rule (1) as follows:-**

Provided that Within a maximum of 07 (seven) days of receiving the CTE/CTO, the lessee shall make the payment of first installment along with other dues and submit the agreement for execution before the District Collector, along with all statutory clearances.

The District Collector shall execute the agreement within a maximum of 03 (three) days of receiving all the amounts and the agreement with statutory clearances. Mining work will be allowed after the execution of the agreement.

The lessee shall get the agreement registered within a maximum of 15 (fifteen) days of its execution.

6. **Rule 29A (1) (b) shall be substituted as follows:-**

The highest bidder shall deposit 25% of the auction amount (earnest money is adjustable for this purpose) within 05 working days of the auction and thereafter an in-principle sanction order (LOI) shall be issued in his favour by the Collector/Any Officer so authorized by the State Government.

7. **Rule- 29B (1) shall be substituted as follows:-**

29B (1)-Payment of Security Deposit- Every settlee of sand as minor mineral shall deposit an amount equivalent to 25 (twenty five) percent of the auctioned/ tendered amount as security for due observation of the terms and conditions of settlement which shall be refunded after the expiry of the period of settlement

Competent Officer (as defined in the Rules) after the expiry of the settlement period, if the settlee is not otherwise defaulter in payment.

8. Rule 29B (3) shall be substituted as follows:-

Rule-29B (3) Mode of payment of Royalty/Settlement amount-(i) Other than security deposit, the settlee shall pay the settlement amount as per the following time table/payment schedule.

| Installment | Due Date of payment |
|--------------------------|---|
| First installment (50%) | (a) Before execution of lease agreement (for first year) (b) Sixty days before completion of one year from the date of execution of lease agreement during the first year and followed by same procedure in consecutive years. |
| Second installment (25%) | Before completion of 03 months from the commencement of each concession year. |
| Third installment (25%) | Before completion of 06 months from the commencement of each concession year. |

At the time of payment of first installment by the settlee in each concession year, post-dated cheque for the amount of second and third installments shall be deposited before the concerned Collector/Mining Officer.

9. 29 (G) shall be substituted as follows:-

Removal of Silt- On the written report/recommendation of the Water Resources Department, for the purpose of maintaining the flow of the river/canal route, the silt deposited in the river/canals shall be disposed of by the Collector by selecting a contractor for a fixed period through e-auction. The contractor/highest bidder shall obtain all the necessary statutory No Objection Certificates (NOC) from the competent authority and shall dispose of the silt by following the prescribed procedure of the rules.

Provided that if the working area is forest land/ wildlife protected area (PA)/ Eco Sensitive zone (ESZ), auction shall be conducted only after obtaining Forest Clearance, Wildlife Clearance as the case may be and Environmental Clearance.

10. Rule-30 (1), (2), (3) and (4) along with heading shall be substituted and a new sub rule (6) shall be added as follows:-

30- Penalty on settlee in case of breach of terms.-

(1) In case of not installing sign board, not demarcating boundary and in case of other violations mentioned in the table, following penalty shall be imposed by the Collector against the settlee-

| Sl. No. | Type of violation | Penalty (in Rs.) |
|---------|---|---|
| 1 | Not installing sign board | 50,000/- |
| 2 | Not demarcating with GIS Map/ Geo Co-ordinates | 5,00,000/- |
| 3 | Not sprinkling water | 50,000/- |
| 4 | Not having adequate lighting arrangements | 50,000/- |
| 5 | Not maintaining register of production/dispatch | 5,00,000/- for first violation and Rs. 10,00,000/- for second violation |
| 6 | Not planting trees as per mining plan | 50,000/- |

- (2) (i) For mining within the restricted area, penalties shall be imposed under Section 21 (1) of the Mines and Minerals (Development and Regulation) Act. Also, action shall be taken to cancel the mining lease.
(ii) In case of mining outside the mining lease area, the quantity of excavated mineral shall be assessed and the cost of mineral as defined in Rule 56 shall be recovered by the Collector.
- (3) In case of sand mining more than the permissible depth in the mining lease area, the quantity of excavated sand shall be assessed for the first and second time and the cost of mineral as defined in Rule 56 shall be recovered by the Collector from the concerned settlement holder.

Provided that whenever the mineral concession holder is found involved in such offence under sub-rule-2 (ii) and sub rule 3, for the third time or more, the settlement of that particular sand ghat may be temporarily suspended by the Collector for a maximum period of one month until the violations are rectified and the penalty is deposited. If the violations are not rectified within the time given by the Collector in this regard, then the settlement of that particular sand ghat may be suspended for a maximum period of 03 months after giving the settlement holder an opportunity of being heard. No claim for compensation shall be accepted during the period of suspension. Thereafter, if the violation is not rectified or the penalty is not deposited, action for cancellation of mineral concession shall be taken by the Collector.

- (4) Transportation of minor minerals shall be carried out only in covered vehicles painted in a specific colour and wet sand shall not be loaded in the vehicles. In case Minor mineral is transported without being specifically coloured, wet sand or uncovered and tampering/switching off the GPS device, following penalties may be imposed-

| Sl. No. | Subject | Fine (in Rs.) | |
|---------|---|--|------------|
| 1 | On Transportation of uncovered minor mineral | Tractor | 5,000/- |
| | | Other heavy vehicles | 25,000/- |
| 2 | On transporting wet sand | Tractor | 5,000/- |
| | | Other heavy vehicles | 25,000/- |
| 3 | On issuance of challan for a vehicle painted without the specific colour | for first time violation | 1,00,000/- |
| | | For second time violation action will be taken as per rules considering illegal mining/dispatch. | |
| 4 | On tampering or switching off the GPS device installed in the vehicle during sand transportation. | Tractor | 20,000/- |
| | | For other heavy vehicles | 1,00,000/- |

- (6) In case the settlee encourages illegal transportation of minerals (In case of loading more quantity than the valid challan), penalty of Rs. 5,00,000/- (Rs. Five lakh) (on each vehicle) for the first time and Rs. 10,00,000/- (Rs. Ten Lakh) from the second time onwards (on each vehicle) may be imposed.

11. *A new proviso shall be added in sub rule (1) of rule 33 Grant of Quarrying Permits as follows:-.*

No royalty shall be levied for non-commercial use of ordinary earth.

For commercial use of mining/dispatch of ordinary earth, commercial license has to be obtained by following the prescribed procedure, for which online application in the prescribed form will be mandatory to apply and the officer authorized by Department shall grant the approval within 05 (five) working days after deposit of advance royalty.

12. *After rule 37 (3), the following new sub-rule 37(4) shall be added as follows: -*

37 (4)-Mineral Disposal Permit to be given for removal of the Dhush/Sand mixed soil required to convert the raiyat land into agricultural land-

Notwithstanding anything contained in these rules, in rivers other than Son, Kiul, Falgu, Morhar, Chanan and Ganga, where minor minerals/sandy soil is found in the raiyati land, outside the radius of 03 km (Aerial Distance) from the river bank, the Collector, after verification by the Circle Officer, may grant a permit to remove and use any minor mineral/sandy soil on the report of the concerned Mining Officer. Concerned raiyat shall submit an application to the Mining Officer for issuance of permit for disposal of the said mineral. The said permission may be granted for a maximum period of One year for the specified quantity after advance payment of applicable royalty to the government and other taxes and obtaining all prevailing statutory clearances. 5 (Five) working days is fixed as time limit for this.

13. *Rule 38 (6) shall be substituted as follows:-*

38 (6) –If the brick earth remover / brick kiln owner fails to submit the required Environmental Clearance from the competent authority as notified by MoEF& CC and / or the required Emission Consent Order from the Bihar State Pollution Control Board (BSPCB), the Competent Officer/ Regional Officer, Bihar State Pollution Control Board/ Sub Divisional Officer/ Circle Officer shall stop the business and report the matter to competent authority as notified by MoEF & CC/ BSPCB for initiating penal provisions for violation of rules..

14. *Rule 39(1) shall be substituted as follows:*

Rule 39 (1) Every person who carried business of minor/major mineral beyond any lease hold area shall obtain a stockist license from the Mining Officer in Form “K” which shall be displayed at a conspicuous place of business and shall maintained proper accounts of purchase and sale of all such minerals in a register in form-H which shall be produced before the Mines Commissioner, Director of Mines, Additional Director of Mines and Deputy Director, Mines or Mining Officer or any other officer authorized by the State Government, for inspection. The fee/required condition for obtaining the license according to the size of the business shall be as follows-

- (a) Small Businessmen- For maximum storage of 25,000 (Twenty Five Thousand) cubic feet of minor minerals at the storage license site, on payment of an application fee of Rs. 5,000 (Rs. Five Thousand), license can be obtained for One calendar year, which can be renewed every year on payment of an application fee of Rs. 5,000/- (Rs. Five Thousand). In case such license holder installs CCTV cameras at the storage site, the license can be obtained at one go for five years on payment of application fee of Rs 20,000/- (Rs. Twenty Thousand).

- (b) Medium Businessmen- For storage of 25,000 (Twenty Five Thousand) cubic feet to 1,00,000 (One Lakh) cubic feet of minor mineral at storage license site, on payment of an application fee of Rs. 50,000 (Rs. Fifty Thousand), license can be obtained for Five years. It will be mandatory for such licensee to install CCTV camera, his own Weighbridge or joint Weighbridge at the storage place. Such licensee may use public weighbridge, but it will be mandatory for that weighbridge to have CCTV camera installed (integrated with Department).
- (c) Large Businessmen- For storage of minor minerals from 1,00,000 (One Lakh) cubic feet to 10,00,000 (Ten Lakh) cubic feet, on payment of application fee of Rs 2,00,000/- (Rs. Ten Lakh) storage license can be obtained for five years. It will be mandatory for such licensee to install Weighbridge and CCTV cameras at the storage place.
- (d) All installed weighbridge and CCTV cameras shall be mandatorily integrated with the departmental portal
15. After Rule 41, a new second proviso shall be added as follows: -
Provided that it will be mandatory for all vehicles carrying minor minerals from other states to have Transit Pass (TP). The regulatory fee for this will be determined by the department.
16. **Rule-44 shall be substituted as follows-**
Rule 44: Restrictions on vehicles carrying minerals-(i) The State Government may impose reasonable restrictions on vehicles carrying any minor mineral and may require them to adhere to certain specifications.
(ii) The State Government may require installation of GPS or such other device in transport vehicles as may be necessary and give such directions as it may consider appropriate.
(iii) The State Government shall make mandatory to specific colour and words mandatory for the identification of vehicles used in mineral transportation.
(iv) Transportation of minerals through waterways shall be carried out as per The Bihar Ferry ghat Settlement and Management Act, 2023 and rules promulgated under this Act.
17. **Sub-rule (1) and sub-rule (2) of rule 56 will be substituted as follows:-**
56- Illegal mining, transportation and storage of minerals-
(1) (i) No person shall extract or remove or undertake any mining operation in any area without holding any mineral concession, permit or any other permission granted or permitted under these rules.
(ii) No person shall transport or store any mineral without a valid challan. Also, minerals will not be transported by unrealistic, unregistered and non-commercial vehicles.
(2)(1) For violation of the above, penalty shall be imposed under Section 21 (1) of the Act.
(ii) Where complainant is the District Mining Officer or Assistant Director or Mine Inspector, after the written permission of the Collector, he may either before or after the institution of the prosecution, compound the offence of violation above sub-rule (1) (ii) on payment of cost of mineral and compound fee as mentioned below:-

| Sl. No. | Vehicles/equipment | Compound fee (in Rs.) |
|---------|-----------------------------|-----------------------|
| 1 | tractor and trolley | 1,00,000/- |
| 2 | Matador/Half Truck 407, 408 | 2,50,000/- |

| Sl. No. | Vehicles/equipment | Compound fee (in Rs.) |
|---------|--|-----------------------|
| 3 | Full Body Trucks/Vehicles (06 Wheel) | 4,00,000/- |
| 4 | Dumper (Hydraulic 06 wheel) / 10 and above | 8,00,000/- |
| 5 | Crane, boat, excavator, loader, power hammer, compressor, drilling machine and other equipment/machines of similar capacity. | 10,00,000/- |

(iii) If the complainant is a Deputy Director or Additional Director or Director of Mines or any other official authorized by the Government may, exercise the power of compounding only after the permission of the Mines Commissioner.

(iv) Compounding fee mentioned in the table, twenty-five times of the royalty may be imposed from the violator in lieu of the cost of the mineral, compensation for environmental damage and tax payable for acquiring land without legal rights.

Provided that in case of vehicles/machines other than the vehicles/machines mentioned above, the compounding fee along with the mineral cost will not be less than twenty five thousand rupees.

(vi) In case of transportation with valid challan, when the quantity of mineral loaded in the vehicle is more than the quantity mentioned in the challan by 5 percent, then the authorized officer may be able to recover the mineral price only for the difference quantity as per sub-rule-2 (iv).

(vi) In case of storage of quantity different from the valid challan, in addition to the mineral cost as per sub-rule 2 (iv), a penalty of Rs 5,00,000/- (Five Lakh) may be imposed. In case of transportation, the assessment of quantity shall be determined only with Weighbridge and in case of storage, it shall be determined only through Drone/Total station/The odolite etc.

18. Rule-57 shall be substituted as follows:-

Seigniorage Fees in Government Projects-

(1) The contractor of Government Works Department shall submit challan/permit related to transportation of minor minerals for his scheme and project to concerned Works Department.

If the contractor of the Government Works Department failed to submit a valid challan/permit for the minor minerals used for the schemes and projects to the concerned Works Department, the mineral cost under Rule 56 (2) (iv) shall be deducted from suppliers/contractors and deposited in the concerned Mining Head.

(2) All Government Departments will deduct Seigniorage Fee from their suppliers or contractors for using any minor mineral purchased from within the State or outside the State. Such Seigniorage Fee shall be at a flat rate of 10 (ten) percent of the mineral value involved in the estimate and shall be deducted by the Works Department from their supplier/ works contractors and deposited in the respective mining head.

The State Government by notification, may increase or decrease the Seigniorage Fee from time to time..

(3) Royalty will not be payable on minor minerals supplied from other states.

19. *Paragraph 6 of Part-IX General Provisions of Form-B will be substituted as follows:-*

Part-IX General Provisions of Form-B Paragraph-6 The lessee having first paid and discharged the rents and royalties payable by virtue of these presents may at the expiration or sooner determination of the said term or within six calendar months thereafter take down and remove for his own benefit all or any machinery, plant, building, minerals excavate/ produced/crushed during the lease period and other works erections and conveniences which may have been erected, set up on placed by the lessee in or upon the said lands.

Provided that the excavated/produced/crushed minor minerals shall be removed from the lease area within a maximum of 60 days and as per requirement, after obtaining storage license under Rule 39, the minerals shall be removed from the lease area and stored at the licensed site.

*By order of the Governor of Bihar,
Narmdeshwar Lal,
Principal Secretary to the Government.*

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
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